

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**Division of Housing Policy Development**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177
FAX (916) 327-2643



March 29, 2005

Ms. Susan Grijalva
Planning Director
Department of Planning
County of Amador
500 Argonaut Lane
Jackson, CA 95642

Dear Ms. Grijalva:

RE: Review of Amador County's Revised Draft Housing Element

Thank you for submitting Amador County's draft housing element, received for review on January 28, 2005. The Department is required to review draft housing elements and report the findings to the locality, pursuant to Government Code Section 65585(b). The review was assisted by a conversation with your consultant, Ms. Amy Augustine, on March 24, 2005 and you on March 28, 2005.

The Department appreciates Amador County's hard work to develop a housing element that addresses its share of the regional housing need, including commitments to increase maximum densities and encourage a variety of housing types toward existing cities. The current draft element represents substantial progress and addresses most of the statutory requirements of State housing element law (Article 10.6 of the Government Code) as described in the Department's December 6, 2004 review. However, the following revisions are still needed to bring the element into compliance with the law:

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)).*

The inventory of land shall include the size of each property listed and the general plan designation and zoning of each property (Section 65583.2(b)).

The element must include a land inventory analysis that lists properties by zoning and general plan designation, size and existing uses. While the element contains this information for most sites (page VIII-4 and VIII-5), the element must include this more detailed information for the 26 acres aggregated on page VIII-4. This is particularly important since these sites appear to be the most appropriate for accommodating the County's share of the regional housing need for lower income households. We will be glad to assist you in meeting this requirement.

Also, the County should beware of the provisions of the Central Sierra Area Regional Housing Needs Plan which establish a procedure for redistributing regional housing needs upon annexation or incorporation of a new city. We have enclosed this procedure for your information.

2. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and for persons with disabilities including land use controls, and local processing and permit procedures (Section 65583(a)(4)).*

Local Processing and Permit Procedures – While the element now mentions that building permits are ministerial (page IX-39), the element still must include a more detailed analysis describing the types of permits, any discretionary approval procedures and decision-making standards for all types of residential development, including multifamily uses in multifamily zones.

Constraints on Housing for Persons with Disabilities – The element does not contain revisions to address this requirement (see December 2004 review, Department memo and technical assistance materials provided earlier).

3. *Include a program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs (Government Code Section 65583(c)).*

The element's housing program requires strengthening to demonstrate commitment to implementation. Program descriptions that only commit to "present a proposal" or "bring a proposal" should include commitment to specific implementation actions. Commitment to implement is critical for core implementation actions addressing statutory requirements of 65583(c)(1) to (6).

4. *Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing (Government Code Section 65583(c)(1)).*

Without a more detailed land inventory, the adequacy of sites cannot be established. Based on the results of a complete land inventory analysis, the County may need to add programs to address any shortfall of sites identified.

Further, the element still requires revision to address our December 6, 2004 findings on Program D.d (Encourage Farmworker Housing). Please see the enclosed letter.

5. *The housing element shall contain programs which "assist in the development of adequate housing to meet the needs of low- and moderate-income households (Section 65583(c)(2)).*

The element has not been revised to address requirement. Please see the December 6, 2004 review.

6. *The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).*

As noted in findings under number 2, the element requires more analysis of potential governmental constraints. Depending upon the results of that analysis, the County may need to add programs to address and remove or mitigate any identified constraints.

For your information, recently enacted legislation Chapter 724, Statutes of 2004 (AB 2348), amended housing element law (enclosed). Also, Government Code Section 65589.4 was added by Chapter 793, Statutes of 2003 (SB 619), to provide more certainty and simplify procedural requirements for multifamily in multifamily zones. The law requires multifamily uses to not be subject to a conditional use permit in multifamily zones if specific requirements are met.

The Department appreciates you and Ms. Augustine's diligent efforts throughout the review process. Further, the Department acknowledges Amador County's challenges in addressing critical housing needs and stands ready to work in full partnership and provide any necessary assistance. If you have any questions or would like to set up a meeting in Jackson or Sacramento, please contact Paul McDougall, of our staff, at (916) 322-7995

Sincerely,



Cathy E. Creswell
Deputy Director

Enclosures

cc: Amy Augustine, Consultant, Augustine Planning Associates